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DEPARTMENT OF ENVIRONMENTAL QUALITY

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IN RE: EXIDE TECHNOLOGY/BATON ROUGE SMELTER

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AI NO: 1396

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PERMIT NO: LAD 008 184 137

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The Hearing Concerning

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HAZARDOUS WASTE PERMIT APPLICATION

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held, at the Galvez Building, Natchez Conference  
Room, 602 North Fifth Street, Baton Rouge,  
Louisiana, beginning at 10:00 a.m., on February  
8, 2007.

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BEFORE: Megan B. Welch  
Certified Court Reporter  
In and For the State of  
Louisiana

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A P P E A R A N C E S

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HEARING OFFICER:

David Peterson

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MR. PETERSON:

I'm going to call this hearing to  
order at this time. My name is David

Peterson. This is Evidentiary Hearing in the matter of Exide Technology. It's an application for renewal of a Hazardous Waste Permit and a Class 3 request for modification. The Permit Number is LAD 008 184 137 and Agency Interest No. is 1396.

This hearing is convened today at 10:05 on this eighth day of February in the Natchez Room at the Galvez Building, 602 North 5th Street, Baton Rouge, Louisiana in accordance with public notice previously issued here on January 4, 2007. For the record, let me introduce myself. My name is David Peterson. I'm an associate with the law firm, Oates and Hudson. We have offices in Lafayette, Baton Rouge, and New Orleans. I've practiced law in Louisiana for 13 and a half years, and I've been in private practice about half that time.

I've been engaged today by the Department of Environmental Quality to serve as a presiding officer of Section 709

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Evidentiary Hearing in the matter. The purpose of a 709 Evidentiary Hearing under the Hazardous Waste Regulations Title 33 is to develop a record of facts, documents, testimony, and pleadings for submission to DEQ for their consideration for making a

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7 permanent decision. As a presiding officer  
8 I will not make a finding to the facts,  
9 conclusions of law or recommendations or  
10 render any decisions on the merits of the  
11 permit application. My authority will  
12 terminate once this Evidentiary Hearing is  
13 complete and the record has been submitted  
14 to the officials at DEQ and I submit to the  
15 Court. Does anyone else have a different  
16 understanding of this matter?

17 (Inaudible response).

18 Okay. Would counsel representatives  
19 for each party please make an appearance for  
20 the record and identify yourself and the  
21 party that you represent?

22 MS. BRYANT:

23 Caroline Bryant, representing  
24 Louisiana Department of Environmental  
25 Quality.

5

1 MR. HARDY:

2 Edward Hardy, representing Exide  
3 Technology.

4 MR. PETERSON:

5 It is my understanding here that Exide  
6 Technology, that the Baton Rouge facility is  
7 an existing recycling facility where  
8 (inaudible) acid batteries and limited  
9 qualities of other lead-bearing materials

10 are processed to recover their lead content.  
11 The facility has been in operation since  
12 1969 and was issued a hazardous waste permit  
13 on September 30, 1993. This hearing is in  
14 relation to the application submitted by  
15 Exide Technology for renewal of that  
16 hazardous waste permit, including requests  
17 for modification, including containment  
18 building as (inaudible). Ms. Bryant, is  
19 that your understanding of what we are here  
20 for?  
21 MS. BRYANT:  
22 Yes.  
23 MR. PETERSON:  
24 Mr. Hardy?  
25 MR. HARDY:

6

1 Yes.  
2 MR. PETERSON:  
3 Okay. Ms. Bryant, to your knowledge  
4 has any person sought to intervene or  
5 expressed an interest in being heard at this  
6 hearing?  
7 MS. BRYANT:  
8 No, they haven't.  
9 MR. PETERSON:  
10 Okay. It is my understanding that  
11 there have not been any official  
12 interventions filed --

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MS. BRYANT:

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That's correct.

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MR. PETERSON:

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Okay. Mr. Hardy is also your

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understanding?

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MR. HARDY:

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Yes, sir.

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MR. PETERSON:

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Okay. And just for the record, is

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there anybody present here today who wants

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or desires to speak other than Mr. Hardy,

24

representing Exide and Ms. Bryant

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representing the Department? If not. We'll

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proceed at this point and time. Ms. Bryant,

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does the Department wish to make an opening

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statement?

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MS. BRYANT:

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Only to, for the purpose of

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introducing records into evidence. We have

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no other statement.

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MR. PETERSON:

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Okay. Mr. Hardy, does Exide have any

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statement that they would like to make for

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the record in this matter?

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MR. HARDY:

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No, sir.

14

MR. PETERSON:

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Ms. Bryant, what evidence does the

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16 Department have to offer at this time?  
17 MS. BRYANT:  
18 The Department would offer, file and  
19 introduce into evidence copy of the proof of  
20 publication of the notice of this hearing  
21 that I've marked as Exhibit A. Also, a CD  
22 containing all the documents submitted by  
23 Exide in connection with this matter, which  
24 I have marked as Exhibit B.  
25 MR. PETERSON:

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1 And just for a second, Mr. Hardy, did  
2 you have a chance to see a copy of that  
3 notice?  
4 MR. HARDY:  
5 Yes.  
6 MR. PETERSON:  
7 I believe Ms. Bryant discussed with  
8 you, either today or at an earlier time that  
9 we were going to submit a CD which contained  
10 all those documents that were part of the  
11 attachments of the public notice in this  
12 matter just so the record would be complete  
13 with all the files that your company has?  
14 MR. HARDY:  
15 Yes.  
16 MR. PETERSON:  
17 Okay. You can go on, Ms. Bryant.  
18 MS. BRYANT:

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19 I would also like to offer, file and  
20 introduce into evidence maps of the subject  
21 site, which I have marked as Exhibit C. And  
22 finally all the records pertaining to this  
23 matter that are on the DEQ public website, I  
24 would like to offer, file and introduce  
25 those as part of the record of this hearing.

9

1 MR. PETERSON:  
2 And that would be in global Exhibit --  
3 MS. BRYANT:  
4 Exhibit D.  
5 MR. PETERSON:  
6 Okay. Thank you. Any other evidence  
7 that you have at this time?  
8 MS. BRYANT:  
9 That's all I have.  
10 MR. PETERSON:  
11 Mr. Hardy, does Exide have any  
12 evidence or anything further in this matter?  
13 MR. HARDY:  
14 No, sir.  
15 MR. PETERSON:  
16 Okay. Anything else that we need to  
17 address at this point and time?  
18 MS. BRYANT:  
19 No. The Department has nothing else.  
20 MR. PETERSON:  
21 Okay. Anyone else have any other



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22 matters that they need to address at this  
23 point and time?  
24 (Pause).  
25 With that said, the hearing is

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1 adjourned and I appreciate all of your time.  
2 Thank you.

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4 (THE HEARING CONCLUDED AT 10:11 A.M.)

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## 1 R E P O R T E R ' S P A G E

2 I , Megan B. Welch, Certified Court Reporter,  
3 in and for the State of Louisiana, the officer,  
4 as defined in Rule 28 of the Federal Rules of  
5 Civil Procedure and/or Article 1434(b) of the  
6 Louisiana code of Civil Procedure, before whom  
7 this sworn testimony was taken, do hereby state  
8 on the Record

9 That due to the interaction in the  
10 spontaneous discourse of this proceeding, dashes  
11 (--) have been used to indicate pauses, changes  
12 in thought, and/or talk overs; that same is the  
13 proper method for a Court Reporters' s  
14 transcription of proceeding, and that the dashes  
15 (--) do not indicated that words or phrases have  
16 been left out of this transcript;

17 That any words and/or names which could not  
18 be verified through reference material have been  
19 denoted with the phrase "(inaudible)".

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Megan B. Welch, C. C. R.

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1 C E R T I F I C A T I O N  
2 I, the undersigned reporter, do hereby  
3 certify that the above and foregoing is a true  
4 and correct transcription of the stenomask tape  
5 of the proceedings had herein, taken down by me  
6 and transcribed under my supervision, to the  
7 best of my ability and understanding, at the  
8 time and place hereinbefore noted, in the above  
9 entitled cause.

10 I further certify that my license is  
11 in good standing as a court reporter in and for  
12 the state of Louisiana.

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Megan B. Welch, C. C. R.  
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